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Date: 10/31/2010 02:27 PM  
Subject: EPA-VA WIP Mtg - Oct 29 Summary

Anthony, Matt, David, Dave, Alan, Russ -

Thank you for traveling to Annapolis on Friday and spending almost an entire day further discussing potential revisions to Virginia's Watershed Implementation Plan. I found the day's discussions to be extremely productive...I hope you did as well.

Ann Carkhuff will be working with you to find an agreeable time for our next weekly conference call and a final sit-down meeting for the week of November 8.

Below are some summary points and follow-up actions from Friday's meeting.

#### Input Deck Issues

- Progress has been made - Industrial Stormwater issues appears to be fixed  
Follow-Up Action: EPA and VA staff need to confirm that this issue is 100% resolved.

#### James River Sediment Allocation

- VA has raised the concern that the sediment allocation for the James is inappropriate because it is linked to nutrient reductions needed to comply with the chlorophyll-based allocation...and therefore goes too far

Follow-Up Action: Batiuk and Koroncai will look into this and get back to VA.

#### Cross Basin Exchanges and/or N:P exchanges

- VA is not yet in a situation to provide such info - too early - but "some" exchanges will be needed at some point
- VA views this as a "last option" in the WIP development process
- EPA expressed concern about running out of time - waiting until the Nov 12 pre-WIP submittal input deck deadline may be too late
- Koroncai requested that "what-if" scenarios be provided - no commitment - just exploring options - possible worst-case scenario

Follow-Up Action: Discuss on future weekly conference calls

#### Continuous No-Till

- VA has proposed that a new efficiency for CNT be developed that would allow stacking of BMPs
- EPA stated that if this were to happen in the near-term it would have to be an option provided to all jurisdictions.
- EPA will look into this and further discuss with VA, but there is serious concerns whether this can be done in time for 11/29 WIPs and if it will breach the established process for revising BMP efficiencies

Follow-Up Action: EPA and VA technical staff need to discuss further off-line

#### Container Nursery BMP Efficiency

- VA brought a "trunk load" of additional info for EPA to review - has requested that an interim BMP efficiency be developed for inclusion in the 11/29 WIP

Follow-Up Action: Jeff Sweeney is lead for EPA and Russ Perkinson for DCR. Discuss off-line and on future weekly conference calls.

#### Resource Management Plans

- VA has requested that a new BMP efficiency be developed to address this new concept that was included in the draft 9/3 WIP
- EPA has offered to further explore the possibility of developing a performance-based BMP efficiency
- VA would report actual BMP #s implemented through 2-year milestones

Follow-Up Action: Kelly Shenk, and Hank Zygmunt will follow up with Matt Conrad, Dave Johnson and Russ Perkinson - Discuss progress on next weekly conference call

#### Oysters

- EPA asked if the recent oyster industry proposal would be an integral part of VA's 11/29 WIP
- VA will explore the option further, but not for the 11/29 WIP

Follow-Up Action: None at this time

#### Small Dairies

- Some discussion was had regarding approaches for implementing additional water quality protection measures for small dairies
- David McGuigan explained EPA's focus and strategy and offered to work with VA to partner

on the issue

- Matt Conrad described that VA was exploring options for better integrating the Ag Stewardship Act and VPA programs
- David Paylor stated that the first step is to better clarify what is required by the new CAFO rule and who needs a VPA vs. VPDES permit

Follow-Up Action: EPA enforcement/compliance staff need to further discuss with VA ag and DEQ staff

#### Air Issues - New Proposed Ozone Std

- VA raised questions as to when additional reductions can be credited from the new ozone transport rule
- There is confusion as to when a state will be in compliance/attainment with ozone standards and what reductions qualify as going "beyond minimum federal requirements" as stated in July 1 allocation letters to the states from the Regional Administrator

Follow-Up Action: Corbin, Batiuk, Koroncai and others will follow-up and report back with current EPA position

#### James River Time Bridge Options

- VA and EPA members caucused separately over lunch and EPA offered a proposed approach for further discussion
- The approach would require that VA achieve an additional 1.6 million pound reduction in TN from point sources in the near-term...to be included as WLAs in the final Phase I WIP and next VA General Permit, with the additional 1.4 million pounds of TN reductions (to fully attain the July 1 chlorophyll-based allocation) to be included in the final TMDL and WIP - but not in the 2012 VA General Permit - as an aggregate allocation assigned to James River point sources. Compliance with the additional 1.4 million pound reduction could occur after the completion of VA's proposed chlorophyll study
- A detailed input deck run would be needed to confirm
- Note - There has not been closure yet on the details or time frames of the proposed VA chlorophyll study
- EPA's agreement with this proposed approach is contingent upon adequate reasonable assurance being included in the final WIP for the other pollution sectors
- VA's agreement with this proposed approach is contingent upon removal of point source backstops from the final TMDL
- How this will apply to phosphorus reductions still needs to be further explored

Follow-Up Action: Capacasa, Corbin, Batiuk, Koroncai will develop draft language to share with VA by early next week. Al Pollock is the lead for getting EPA resolution on phosphorus #s.

#### Stormwater - MS4s

- A great deal of discussion ensued regarding how MS4 permits would be drafted to comply with the WIP proposal and "requirements and assumptions" of the TMDL
- It is possible that a 2-tier permit could be written with one tier addressing E3-level reductions with the assumption of trading and a second tier addressing L2-level reductions as baseline reductions

Follow-Up Action: VA will draft proposed language and send to Corbin by next Thursday. This issue will be further discussed on the next weekly conference call.

#### Trading

- A great deal of discussion ensued regarding the need for additional detail for VA's proposed expansion of the Nutrient Credit Exchange Program
- VA explained how they expect the same level of rigor (baselines, verification, tracking, etc.) to apply to an expanded program

Follow-Up Action: Russ Baxter is lead for developing draft language to share with EPA

#### CSO

- There still appears to be some confusion as to whether this issue has been resolved or not.

Follow-Up Action: EPA staff will further discuss with VA staff...this can hopefully be resolved off-line of the weekly conference calls.

Thanks...jc

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